

#53  
319622-1

(O-2021-95)

ORDINANCE NUMBER O- 21300 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 11 2021

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO AND THE CITY OF SAN DIEGO FOR THE OPERATION AND MAINTENANCE OF MISSION TRAILS REGIONAL PARK.

WHEREAS, Section 6500 et seq. of the California Government Code authorizes the joint exercise by two or more public agencies of any power common to them; and

WHEREAS, over the past two years, the City of San Diego (City) staff and County of San Diego (County) staff have prepared a Joint Exercise of Powers Agreement (JEPA) regarding the operation and maintenance of Mission Trails Regional Park (MTRP); and

WHEREAS, the City owns certain real property at MTRP, the County owns certain real property at MTRP, and the City and County jointly own one-half interests in certain real property at MTRP; and

WHEREAS, the JEPA would replace the following three existing joint exercise of powers agreements that cover various aspects of operations and maintenance of MTRP: Agreement by and between the County of San Diego and the City of San Diego for Development of an Electronic Communications Facility on Cowles Mountain, San Diego, California, dated March 9, 1982, on file in the Office of the City Clerk as Document No. RR-255972; Joint Exercise of Powers Agreement between the City of San Diego and the County of San Diego for the Planning, Development, Operation and Maintenance of Mission Trails Regional Park, dated May 20, 1985, on file in the Office of the City Clerk as Document No. OO-16432; and Joint

Exercise of Powers Agreement between the County of San Diego and the City of San Diego for Operation of Mission Trails Park, dated March 4, 1996, on file in the Office of the City Clerk as Document No. OO-18268-2; and

WHEREAS, the JEPAs merge the provisions of the three existing joint exercise of powers agreements into one single agreement with the following provisions: a 25-year term that may be extended for an additional ten years with the written consent of the County and City without further action by the County's Board of Supervisors and the City's Council for such extension; the purpose and composition of the MTRP Task Force and the MTRP Citizen's Advisory Committee; coordination of operations and assignment of operational responsibilities and authority for MTRP, including the jointly owned real property; updates to the area of oversight to conform to the MTRP Master Plan to include areas that have been added to MTRP since the execution of the existing joint exercise of powers agreements, such as East Elliott and West Sycamore; and clarification of the use and accounting of the revenues from the wireless communication facilities at MTRP; and

WHEREAS, under San Diego Charter section 99, no contract, agreement, or obligation extending for a period of more than five years may be authorized except by ordinance approved by a two thirds' majority vote of the City Council; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego (Council), as follows:

Section 1. That the Mayor, or his designee, is hereby authorized and directed to execute for and on behalf of the City of San Diego the Joint Exercise of Powers Agreement between the County of San Diego and the City of San Diego, on file in the Office of the City Clerk as Document No. OO- 21300, under the terms and conditions set forth therein.

Section 2. That the following agreements are terminated upon the effective date of the Joint Exercise of Powers Agreement authorized by this ordinance: Agreement by and between the County of San Diego and the City of San Diego for Development of an Electronic Communications Facility on Cowles Mountain, San Diego, California, dated March 9, 1982, on file in the Office of the City Clerk as Document No. RR-255972; Joint Exercise of Powers Agreement between the City of San Diego and the County of San Diego for the Planning, Development, Operation and Maintenance of Mission Trails Regional Park, dated May 20, 1985, on file in the Office of the City Clerk as Document No. OO-16432; and Joint Exercise of Powers Agreement between the County of San Diego and the City of San Diego for Operation of Mission Trails Park, dated March 4, 1996, on file in the Office of the City Clerk as Document No. OO-18268-2.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Hilda R. Mendoza  
Hilda R. Mendoza  
Deputy City Attorney

HRM:mb  
January 25, 2021  
Or.Dept: Parks and Recreation  
Doc. No.: 2572548

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 03/09/2021.

ELIZABETH S. MALAND  
City Clerk

By /s/ Connie Patterson  
Deputy City Clerk

Approved: 3/11/21  
(date)

  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on MAR 09 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 11 2021.

AUTHENTICATED BY:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

FEB 23 2021, and on MAR 11 2021.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21300